

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

In re:

Niculae A Pinte  
Maria Pinte

Chapter 7  
Case No. 07-42262  
Honorable Marci B. McIvor

Debtor(s)  
\_\_\_\_\_ /

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

NOW COMES Movant, The Bank of New York Trust Company, N.A., as successor by merger to JPMorgan Chase Bank as Trustee c/o Residential Funding Corporation its successors and or assigns, by and through its attorneys, Orlans Associates, P.C., and shows unto this Honorable Court as follows:

1. That Movant is the holder of a mortgage on real property owned by the debtor and located at 52695 Schnoor Street, New Baltimore, MI 48047 (the following documents are attached Mortgage and Assignment);
2. Homecomings Financial, LLC is servicing agent for Movant;
3. A Chapter 7 Bankruptcy was filed on February 5, 2007 and the case was converted to a Chapter 7 on June 21, 2007;
4. That pursuant to 11 U.S.C. § 362 (d)(1), upon request of a party in interest, the court shall grant relief from stay for cause, including lack of adequate protection of an interest in property of such party in interest;
5. That as of today's date said mortgage loan is delinquent and owing for October 1, 2006;
6. That the market value of the property pursuant to Debtor's Schedule D is approximately \$230,000.00;
7. That the total debt owing to The Bank of New York Trust Company, N.A., as successor by merger to JPMorgan Chase Bank as Trustee c/o Residential Funding Corporation its successors and or assigns is approximately \$191,810.73;
8. That the City of New Baltimore has an additional lien on the property in the approximate amount of \$3,814.42;
9. That the total debt owing on the property in the approximate amount of \$195,625.15;
10. That the debtor's account delinquency and lack of non-exempt equity in the subject property constitutes cause for relief from the automatic stay;
11. That City of New Baltimore may have an interest in the property located at 52695 Schnoor Street, New Baltimore, MI 48047 to the knowledge and belief of Movant;
12. That pursuant to Local Bankruptcy rule 9014-1(b)(4) attached is a copy of the proposed Order Granting Relief from the Automatic Stay labeled as Exhibit "A";

13. That Movant request the entry of the order granting relief from the automatic stay shall be effective immediately upon entry, notwithstanding the provisions of FRBP 4001(a)(3).

WHEREFORE, Movant respectfully requests that this Court enter an Order Granting Relief from the Automatic Stay for good cause shown pursuant to 11 USC § 362(d)(1), and that entry of the order shall be effective immediately upon entry, notwithstanding the provisions of FRBP 4001(a)(3), and whatever other relief the Court deems just and equitable.

Date: October 19, 2007

Respectfully Submitted,

By: /s/ Heather M. Dickow P64757  
Orlans Associates, P.C.  
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Company, N.A., as successor by merger to  
JPMorgan Chase Bank as Trustee c/o  
Residential Funding Corporation it's successors  
and or assigns  
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